THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No. 23538 OF 2005

21-12-2005

Between:

M/s.Navatha Paints & Hardware, Vijayawada, rep. by its

Proprietor.

……Petitioner

And

The Commercial Tax Officer, Governorpet Circle, Vijayawada & Others.

……..Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No. 23538 OF 2005

ORDER : (Per Hon'ble Sri Bilal Nazki, J)

Heard learned Counsel for the parties.

The main allegation of the petitioner was that without passing an assessment order, alleged tax was collected from him on spot. During the course of hearing and in the counter affidavit, it is stated that the money recovered from the petitioner has been already refunded and reimbursed, therefore, no cause survives. However, the counsel for petitioner submits that certain documents were seized at the time of inspection. No acknowledgement was given and only some documents were returned and some documents were retained by the Department. The Department, on the other hand, denies having retained any document. Whatever documents had been taken away, have been already returned.

This is a question, which, this Court may not be in a position to decide in these proceedings. Therefore, while disposing of this matter, we give liberty to the petitioner to seek appropriate remedies available to him in law, if he still feels aggrieved. No order as to costs.

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(BILAL NAZKI, J)

21st December 2005

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ajr (S.ANANDA REDDY, J)